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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,941	04/21/2000	Richard A. Baker, Jr.	SAA-36	6728

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Larry I Golden
Square D Company
1415 South Roselle Road
Palatine, IL 60067

EXAMINER

NGUYEN, CHAU T

ART UNIT PAPER NUMBER

2142

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,941

Applicant(s)

BAKER, JR., RICHARD A.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 21 is objected to and rejected under 35 U.S.C. 112 1st and 2nd for being a single means claim and thus undue breath (see 2164.08(a)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18, 20-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glorikian, U.S. Patent No. 6,343,317, and further in view of Fukui, U.S. Patent No. 6,131,119.

7. As to claims 1, 11, and 21, Glorikian discloses a method of communicating with a device in a network communications system wherein the device is positioned at a physical location, said method comprising the step of identifying the physical location of the device in a network communication system (col. 2, line 9 – col. 3, line 3). However, Glorikian does not substantially disclose the physical location can be used as an address of the device in the network communications system. In the same field of endeavor, Fukui discloses an automatic configuration system maps a device address of each node coupled to a bus structure to a network protocol address corresponding to the physical location of the node (Fukui, Abstract, col. 2, line 43 – col. 3, line 22). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Glorikian and Fukui to include the physical location can be used as an address of the device in a network communications system. By doing so it will make it easy to complete device specific or user specific billing, easy

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to block service or types of services to particular devices and easy to personalize service to specific devices and users.

8. As to claim 2, Glorikian and Fukui (Watters-Fukui) disclose wherein the address of the device is a MAC address (Fukui, col. 4, lines 25-40).

9. As to claim 3, Glorikian-Fukui disclose wherein the address of the device is an IP address (Fukui, col. 4, lines 24-58).

10. As to claims 4 and 25, Glorikian-Fukui disclose transmitting from the device the physical location and the address thereof to a controlling station so as to allow the controlling station to associated the physical location to the address for conveying signals to the device (Glorikian, col. 2, lines 38-46, col. 4, line 63 – col. 5, line 11; Fukui, col. 3, line 51 – col. 4, line 58).

11. As to claims 5, 24, and 27, Glorikian-Fukui disclose wherein the device has an intended function controlled by a software program, said method further comprising the step of loading the software program from the controlling station to the device after the physical location of the device is identified (Fukui, col. 3, line 51 – col. 4, line 24).

12. As to claims 6 and 12, Glorikian-Fukui disclose a method of communicating with a plurality of devices in a network communications system wherein each device is

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positioned at a physical location, said method comprising the step of converting a map of the physical locations of the devices into one or more address tables, each table including a plurality of network addresses for routing messages to the devices (Glorikian, col. 2, lines 9-45; Fukui, col. 2, line 61 – col. 3, line 11).

13. As to claims 7 and 13, Glorikian-Fukui disclose wherein a controlling station is used to associate the physical location to the network address of the respective device (Fukui, col. 4, line 59 – col. 5, line 11).

14. As to claims 8 and 26, Glorikian-Fukui disclose wherein each device comprises:
a programmable logic controller having a network address assigned thereto to communicate with the controlling station (Fukui, col. 4, line 59 – col. 5, line 11); and
a physical site locator to identify the physical location of the respective device (Glorikian, col. 2, lines 9-46; Fukui, col. 5, lines 26-42).

15. As to claim 9, Glorikian-Fukui disclose wherein each device comprises:
an I/O device of a programmable logic controller system having a network address assigned thereto to communicate with the controlling station (Fukui, col. 3, line 51-24); and
a physical site locator to identify the physical location of the respective device (Glorikian, col. 2, lines 9-46; Fukui, col. 5, lines 26-42).

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16. As to claim 10, Glorikian-Fukui disclose wherein a software program is used to convert the map of the physical locations into the address tables (Fukui, col. 2, line 61 – col. 3, line 11).

17. As to claim 14, Glorikian-Fukui disclose the network communications system comprising a local area network (LAN) (Fukui, col. 2, lines 49-60).

18. As to claim 15, Glorikian-Fukui disclose the network communications system comprising a wide area network (WAN) (Glorikian, col. 1, line 34 – col. 2, line 65).

19. As to claim 16, Glorikian-Fukui disclose the network communications system comprising a wireless access communications system (Glorikian, col 2, lines 9-21).

20. As to claim 17, Glorikian-Fukui disclose wherein each device has a unique physical location (Fukui, col. 4, lines 41-58).

21. As to claim 18, Glorikian-Fukui disclose wherein a plurality of devices share one of the physical locations (Glorikian, col. 5, lines 26-42).

22. As to claim 20, Glorikian-Fukui and Scott disclose wherein each device has an IP address and means for transmitting the IP address and the shared physical location in a

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RARP message to a controlling station in order to establish the address of the device in the network communications system (Scott, col. 1, line 57 – col. 2, line 34).

23. As to claim 22, Glorikian-Fukui disclose wherein the identifying means comprises a GPS site locator (Glorikian, col. 2, lines 22-31).

24. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glorikian and Fukui as applied to claims 1-18, 20-22, and 24-27 above, and further in view of Scott, U.S. Patent No. 6,195,706.

25. As to claim 19, Glorikian-Fukui disclose each device has a MAC address (Fukui, col. 4, lines 41-58). However, Glorikian-Fukui do not substantially disclose wherein means for transmitting the MAC address and the shared physical location in a RARP message to a controlling station in order to establish the address of the device in the network communications system. In the same field of endeavor, Scott discloses RARP is well known to those of ordinary skill in the relevant arts, and using RARP mechanism for controlling operation of the network address mechanisms (col. 1, line 57 – col. 2, line 34). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Glorikian-Fukui and Scott to include transmitting the MAC address and the shared physical location in a RARP message to a controlling station in order to establish the address of the device in the network

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communications system, since Scott suggests that using RARP to determine the system IP address.

26. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glorikian and Fukui as applied to claims 1-18, 20-22, and 24-27 above, and further in view of Watters et al. (Watters), U.S. Patent No. 6,249,245.

27. As to claim 23, Glorikian-Fukui disclose the limitations as discussed in claims 1-22 above. However, Glorikian-Fukui do not substantially disclose wherein the identifying means comprises a TDOA device. In the same field of endeavor, Watters discloses calculating position using TDOA measurements when the actual time of transmission is not known (col. 4, line 66 – col. 5, line 13). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Glorikian-Fukui and Watters to include a TDOA device to for determining location in a cellular network portion of the system in case GPS satellites are not in clear view of the GPS receiver.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240(for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen
Patent Examiner
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**ROBERT B. HARRELL
PRIMARY EXAMINER**